Appl. No.: 10/707,410
Amdt. Dated: 9/21/2005
Reply to Office action of: 07/05/2005

AMENDMENTSTOTHEDRAWINGS:

The attached sheet(s) of drawings includes new Figure 6 showing the embodiment of the present invention where it is attached to a removable cargo floor panel by means of a screw clamp apparatus.

Attachment: New Sheet(s)

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REMARKS/ARGUMENTS

Claims 1 – 12 remain in this application.

New Figure 6 has been added showing the embodiment where a C clamp type mounting mechanism is employed to attach the present invention to a removable floor panel which is also shown in Figure 6. Support for this new Figure 6 may be found, for example, in paragraph [0024]. The new paragraph [0017.1] has been added to provide the required brief description of the new Figure 6 and original paragraph [0024] has been amended to identify Figure 6 as illustrating the embodiment described in said paragraph [0024].

No new matter has been introduced by these amendments.

The key to Applicants' invention resides in the ability of the present invention to provide a cargo platform that may be mounted to a cargo area floor panel of a vehicle and provide a pivoting action that allows the loading and unloading of the cargo area without the need to lean over and into said cargo area. In addition, the present invention provides this cargo-carrying feature that allows for permanent or temporary mounting to a fixed, moveable, or removable floor panel. Furthermore, no special mounting brackets or tools are needed as the present invention discloses the use of a screw type C-clamp or a C-shaped sleeve-style mounting bracket. Additionally, in one embodiment of the present invention there is provided a support on the end of the cargo platform farthest from the pivot joint to help support heavy cargo loaded on the platform. Clearly when viewed in this light Applicants' claimed invention is not disclosed, taught, or fairly suggested by the cited reference.

Claims 1, 2, 10, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Bouza (4,979,458). Specifically, the Examiner states:

> Bouza show a pivoting platform with a pivot joint at one corner. It moves to various positions, any of which can be considered as a storage position, or as loading and unloading positions. A platform support member (50) is located opposite the pivoting joint from the platform, as recited in claim 2. The platform is removably mounted under a floor panel, which is also removable, as recited in claims 10 and 11.

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Applicants respectfully traverse this rejection. A fair reading of the Bouza (4,979,458) reference discloses an offset chair pedestal for use in a watercraft and requiring that the pedestal be mounted both to a floor panel and to the hull of the watercraft beneath the floor panel (see for example, Col. 3, lines 41 – 53, Col. 4, lines 23 – 28, and Col. 4, lines 39 – 42). In addition, to function properly the pedestal must be offset, must provide a vertical height to allow the mounted chair occupants fishing line to clear the side gunnels of the watercraft (see for example, Col. 5, lines 52 – 59) and also provide a rotational locking mechanism in order to provide the necessary stability to the chair when in use (see for example, Col. 3, lines 61 – 66). Further, in order for the chair to be suitable for its intended use it must be mounted so the pedestal is in the center of the chair bottom not in one corner thereof (see for example, Fig. 1). Finally, due to the offset pedestal and the weight to be carried by the chair the pedestal must be fixedly attached (bolted) to both the floor panel and the hull by means of brackets themselves bolted to the floor panel and hull respectively (see for example, Col. 3, lines 41 – 53, Col. 4, lines 23 – 28, and Col. 4, lines 39 – 42). Applicant's claimed invention eliminates the critical second mounting requirement as well as the need for an offset pedestal and pedestal height adjustment and rotational locking means, as well as the need for mounting collars bolted to both the vehicle cargo floor panel and the vehicle frame.

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Claims 1 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by McClendon et al. (6,119,809). Specifically, the Examiner states:

> McClendon et al (6,119,809) shows a pivoting platform made of plastic with pivot joints at the corners of the platform. The platform is removably clamped in place, as recited in claims 10 and 12.

Applicants respectfully traverse this rejection. A fair reading of the McClendon et al. (6,119,809) reference discloses a portable boat ladder suitable for a retriever dog to leave and enter a watercraft in the process of retrieving shot waterfowl. The ladder which is platform like requires a second platform be connected by at least two corner pivot

hinges or a piano type hinge to a first platform (see for example, Figs. 1 and 2, and Col. 3, lines 22 – 31). This first platform must then be hinged in similar manner along a second side 90 degrees to the second platform to a mounting apparatus requiring two clamps to secure it to the gunnels of a watercraft as well as two padded feet to rest against the outside hull of said watercraft to stabilize the ladder (see for example, Figs. 2, 3 and 5, and Col. 3, line 61 – Col. 4, line 8). In use the first platform must first be folded downward to open it and then the second platform must be folded open 90 degrees from the first platform-folding angle to lower the two-piece platform ladder to allow a retriever to climb out and into the watercraft (see for example, Fig5, and Col.5, lines 30 – 43). Because the second platform end farthest from the hinge point has no support under it unless the watercraft is fast aground the use of a load bearing support is useless. Further, the ladder can only swing into the watercraft in a folded closed non-use position (see for example, Fig. 6, and Col. 5, lines 10 – 21).

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Claims 1, 3, 4, 7, and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by Hurst (5,762,245). Specifically, the Examiner states:

> Hurst (5,762,245) shows a pivoting platform with a pivot joint along the back edge, as to be along a corner. It moves between a storage position and a loading/unloading position. Pull straps (17) are located opposite the pivot joints, as recited in claims 3 and 4. It is made of plastic with part of the pivoting joint integral therewith, as recited in claim 7. It is removably mounted, as recited in claim 10.

Applicants respectfully traverse this rejection. A fair reading of the Hurst (5,762,245) reference discloses a hinged folding serving tray for mounting on the underside of an automobile truck deck which cannot hold cargo except when the truck deck is in an open position (see for example Figs. 1 and 3, and Col. 2, lines 28 – 42, and Col. 28 – 47). Furthermore, the teaching of Hurst requires the use of two locking braces (see for example Figs. 1 – 3, and Col. 3, lines 12 – 22) which are not required by

Applicant's present invention, as well as a hinge along one edge (see for example Figs. 1 – 3, and Col. Col. 2, lines 32 – 34) not a pivot in a single corner as in Applicant's present invention.

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Claims 1, 2, and 9 were rejected under 35 U.S.C. 102(b) as being anticipated by Megargle et al (3,391,960). Specifically, the Examiner states:

> Megargle et al (3,391,960) shows a pivoting platform (72) with a pivot joint at a corner. It moves between a storage position and a loading/unloading position. A platform support member (42) is located opposite the pivoting joint from the platform, as recited in claim 2. It is permanently mounted in the cargo area, to the same degree as applicant's platform, as permanent is a relative term, as recited in claim 10.

Applicants respectfully traverse this rejection. A fair reading of the Megargle et al (3,391,960) reference discloses a cantilevered folding platform for mounting within the passenger compartment of a vehicle useable as alternatively, an armrest between the front row of seats or a table behind the front row of seats (see for example Figs. 1 and 2, and Col. 1, lines 11 – 23). In order for the platform to be used as an armrest it must fold along its long axis into a closed narrow configuration. In order for the platform to be used as a table or work surface it must be moveable along the long axis in a horizontal plane and then rotate around the mounting post pivot (see for example, Col. 3, lines 25 – 44). Furthermore, the pivot post must be mounted to a fixed reinforced floor pan bracket (see for example, Figs. 1 and 3, and Col. 2, line 61 – Col. 3, line 3). Applicant's claimed invention does not need a fixed reinforced floor pan bracket, in fact it does not require mounting to the floor pan of a vehicle at all. In addition, Applicant's present invention does not require the platform to fold along its long axis to be used to load, carry, and unload cargo. Finally, Applicant's claimed invention does not require that the platform have the ability to travel in a longitudinal horizontal manner to be moved from inside the cargo area to the unloading position.

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Claims 5, 6, and 8 were rejected under 35U.S.C. 103(a) as being unpatentable over McClendon et al. (6,119,809). Specifically, the Examiner states:

> McClendon et al. (6,119,809) shows a pivoting platform made of plastic, but varies from the claims by not specifying that the plastic is capable of being vacuum formed (claim 5), by injection molding (claim 6), or with metal pivot pins (claim 8). However these would have been obvious design considerations within the level of ordinary skill in the art at the time the invention was made by applicant, since it has been held to be within the general skill of a worker to select a known material on the basis of suitability for the intended use as a matter of obvious design choice, see in *re leshin, 125 USPQ 416.*

Applicants respectfully traverse this rejection. A fair reading of the McClendon et al. (6,119,809) reference as discussed above discloses a portable boat ladder suitable for a retriever dog to leave and enter a watercraft in the process of retrieving shot waterfowl. The ladder which is platform like requires a second platform be connected by at least two corner pivot hinges or a piano type hinge to a first platform (see for example, Figs. 1 and 2, and Col. 3, lines 22 – 31). This first platform must then be hinged in similar manner along a second side 90 degrees to the second platform to a mounting apparatus requiring two clamps to secure it to the gunnels of a watercraft as well as two padded feet to rest against the outside hull of said watercraft to stabilize the ladder (see for example, Figs. 2, 3 and 5, and Col. 3, line 61 – Col. 4, line 8). In use the first platform must first be folded downward to open it and then the second platform must be folded open 90 degrees from the first platform-folding angle to lower the two-piece platform ladder to allow a retriever to climb out and into the watercraft (see for example, Fig5, and Col.5, lines 30 – 43). Because the second platform end farthest from the hinge point has no support under it unless the watercraft is fast aground the use of a load bearing support is useless. Further, the ladder can only swing into the watercraft in a folded closed non-use position (see for example, Fig. 6, and Col. 5, lines 10 – 21). While the reference does disclose the use of

plastic this by itself is not a teaching of Applicant's present invention as the claims it is cited against are dependent on the features of the invention clearly not disclosed by this reference. Thus, clearly the substitution of a particular plastic or any plastic to the reference invention does not reach Applicant's claimed invention. Furthermore, there is not the required impetus within the cited reference to reach Applicant's invention.

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Claims 5, 6, and 8 were rejected under 35U.S.C. 103(a) as being unpatentable over Hurst (5,762,245). Specifically, the Examiner states:

> Hurst (5,762,245) shows a pivoting platform made of plastic, but varies from the claims by not specifying that the plastic is capable of being vacuum formed (claim 5), by injections molding (claim 6), or with metal pivot pins (claim 8). However these would have been obvious design considerations within the level of ordinary skill in the art at the time the invention was made by applicant, since it has been held to be within the general skill of a worker to select a known material on the basis of suitability for the intended use as a matter of obvious design choice, see in *re leshin, 125 USPQ 416.*

Applicants respectfully traverse this rejection. A fair reading of the Hurst (5,762,245) reference as discussed above discloses a hinged folding serving tray for mounting on the underside of an automobile truck deck which cannot hold cargo except when the truck deck is in an open position (see for example Figs. 1 and 3, and Col. 2, lines 28 – 42, and Col. 28 – 47). Furthermore, the teaching of Hurst requires the use of two locking braces (see for example Figs. 1 – 3, and Col. 3, lines 12 – 22) which are not required by Applicant's present invention, as well as a hinge along one edge (see for example Figs. 1 – 3, and Col. Col. 2, lines 32 – 34) not a pivot in a single corner as in Applicant's present invention. While the reference does disclose the use of plastic this by itself is not a teaching of Applicant's present invention as the claims it is cited against are dependent on the features of the invention clearly not disclosed by this reference. Thus, clearly the substitution of a particular plastic or any plastic to the reference invention

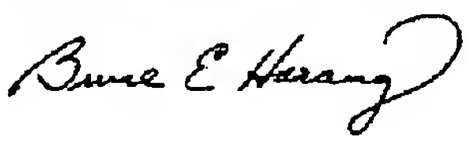
does not reach Applicant's claimed invention. Furthermore, there is not the required impetus within the cited reference to reach Applicant's invention.

Clearly the cited reference does not disclose, teach, or suggest the use of an easily removable cargo platform which pivots in and out of the vehicle cargo area by a pivoting pin joint located in one corner of the substantially rectangular cargo platform.. When viewed in this light it is clear that the claimed invention is now ready for allowance and such action is respectfully requested.

Applicant acknowledges the prior art made of record but not relied upon as a basis of rejection by the Examiner. Since these references were not used as a basis of rejection Applicant makes no further comment regarding these references.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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Attachments